

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO**

JOHN TRUJILLO and FLORIPA GARCIA,

Plaintiffs,

v.

CV 16-20 JCH/WPL

GREGORY SMITH and TIM WALTRIP,

Defendants.

ORDER DENYING MOTION TO COMPEL

Plaintiff Floripa Garcia filed a motion to compel and for sanctions. (Doc. 24.) Defendant Gregory Smith responded (Doc. 29), and Garcia filed a reply (Doc. 32). Because Garcia failed to comply with the Local Rules, I deny her motion for sanctions and/or attorney's fees with prejudice, deny her motion to compel, and will allow her one week to file an amended motion to compel.

District of New Mexico Local Rule of Civil Procedure 7.1(a) requires that a motion "state with particularity the grounds and the relief sought." Local Rule 37.1 makes clear that a motion to compel discovery responses must comply with Local Rule 7. Garcia's motion does not comply with Local Rule 7. Rather than stating with particularity the grounds and relief sought—in this case, listing the specific discovery responses that were insufficient, why they were insufficient, and stating that they could not be resolved by the parties—Garcia instead states that discovery requests were served, responses were received, a good faith letter was sent requesting supplementation/correction within two days, and now the motion to compel has been filed.

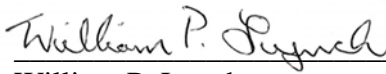
Garcia did, however, attach the discovery requests and responses to her motion, as well as an email chain between counsel. She did not identify which discovery disputes had been resolved.

It is neither my job nor defense counsel's to divine meaning from Garcia's vague motion. That said, Smith did respond to the motion to compel, addressed specific discovery requests, and indicated that several discovery disputes had been resolved. In reply, Garcia neither confirmed nor denied that Smith's interpretation of the motion to compel was accurate or complete, and neither confirmed nor denied that several discovery disputes had been resolved.

Garcia failed to comply with the Local Rules. Garcia's motion to compel is therefore denied for failing to state with particularity the grounds and relief sought. *See* D.N.M. LR-Civ. 7.1(a). Garcia may file an amended motion to compel, in compliance with the Local Rules, within seven days from the date of entry of this Order.

Furthermore, I find that this failure to comply with the Local Rules and failure to engage clearly with counsel or this Court qualifies as "other circumstances mak[ing] an award of expenses unjust" and therefore deny Garcia's motion for sanctions or attorney fees. FED. R. CIV. P. 37(a)(5)(A).

IT IS SO ORDERED.



William P. Lynch
United States Magistrate Judge

A true copy of this order was served
on the date of entry--via mail or electronic
means--to counsel of record and any pro se
party as they are shown on the Court's docket.